

REMARKS

This application has been reviewed in light of the Decision on Appeal mailed on January 15, 2010. Claims 4-10 are pending in the application with Claims 4-7 being in independent form. Claims 4-7 have been amended. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Application No. 2002/0154777 to Candelore in view of U.S. Patent No. 6,910,221 to Honda, and further in view of U.S. Patent No. 5,659,617 to Fischer.

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Candelore in view of Honda, in view of Fischer, and further in view of U.S. Application No. 2002/0069281 to Dillenberger et al.

Claims 7 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,785,815 to Serret-Avila et al. in view of Honda, and further in view of U.S. Patent No. 4,924,378 to Hershey et al.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hershey in view of Fischer.

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Serret-Avila in view of Honda, in view of Hershey, and further in view of U.S. Patent No. 6,954,786 to Vered et al.

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Serret-Avila in view of Honda, in view of Hershey, and further in view of U.S. Patent No. 6,496,802 to Zoest et al.

The rejections will be addressed collectively.

The rejections are respectfully traversed.

Claim 4, as presented herein, recites, *inter alia*, as follows:

“...wherein the assessment of the response times involves **ascertaining abnormal lag times between the one or more responses and the one or more requests based on predetermined lag times**.” (emphasis added.)

It is respectfully submitted that Candelore, Honda, Fischer, Dillenberger, Serret-Avila, Hershey, Vered, and Zoest, taken alone or in any proper combination, do not teach and/or suggest “wherein the assessment of the response times involves ascertaining abnormal lag times between the one or more responses and the one or more requests based on predetermined lag times,” as recited in amended independent Claim 4.

As described at least at page 1, paragraph [0007] of the present published application, physical proximity corresponds to temporal proximity. If the response time indicates an abnormal lag between request and response, the system assumes that the lag is caused by the request and response having to travel an abnormal physical distance, or caused by the request being processed to generate a response, rather than being answered by an existing response in the physical possession of a user. If an abnormal lag is detected, the system is configured to limit subsequent access to protected material by the current user, and/or to notify security personnel of the abnormal response lag.

In other words, lag times are categorized into normal and abnormal lag times based on predetermined lag times for specific events/instances. If the lag time is deemed abnormal based on a preset value, the protected material cannot be accessed, as stated in Applicant’s specification

at, for example, page 2, lines 13-21, as such material would be deemed illicit for copying purposes.

Independent Claims 5-7 include similar limitations to those of Claim 4, and are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 4.

Claims 8-10 depend from Claim 7, and inherit all of the respective features of Claim 7. Thus, Claims 8-10 are patentable for at least the same reasons discussed above with respect to independent Claim 7, from which they depend, with each dependent claim containing further distinguishing patentable features. Withdrawal of the rejections of dependent claims 8-10 under 35 U.S.C. §103(a) and early allowance are respectfully requested.

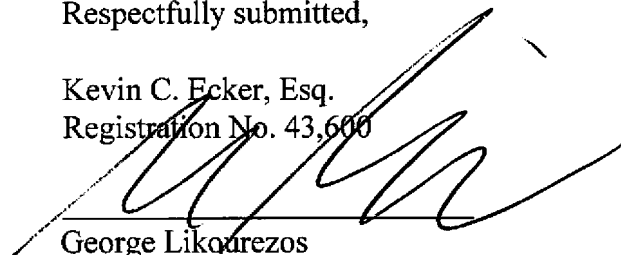
In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 4-10, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

Kevin C. Ecker, Esq.
Registration No. 43,600

Date: March 12, 2010

By: 
George Likourezos
Reg. No. 40,067
Attorney for Applicant
631-501-5706

Mail all correspondence to:
Kevin C. Ecker, Esq.
Senior IP Counsel
Philips Electronics North America Corp.
P.O. Box 3001
Briarcliff Manor, New York 10510-8001
Phone: (914) 333-9618